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| 10/551,011 | 09/29/2005 | Craig W. Lindsley | 21345P | 1426 |
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| EXAMINER ASINOVSKY, OLGA | | | | |
| ART UNIT 1796 | | PAPER NUMBER | | |
| MAIL DATE 07/24/2008 | | DELIVERY MODE PAPER | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/551,011

Applicant(s)

LINDSLEY ET AL.

Examiner

OLGA ASINOVSKY

Art Unit

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 1-7 is/are allowed.
6) ☒ Claim(s) 13 is/are rejected.
7) ☒ Claim(s) 7-12 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/CIS)
Paper No(s)/Mail Date 04/24/2006
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 7-12 are objected to because of the following informalities: Each dependent claim 7-12 is depending on the independent claim 13. A dependent claim may refer to any preceding independent claim. Appropriate correction is required.

Allowable Subject matter

2. The following is an examiner's statement of reasons for allowance: The claimed invention in claims 1-6 is a process for the preparation of a compound represented by general formula I in claim 1.

The closest prior art is WO 00/78740 to Harikrishnan et al. While reference discloses insoluble solid support selected from the group consisting of: polystyrene-divinylbenzene, macroreticular polystyrene-divinylbenzene, polystyrene which is radiation grafted to polypropylene, polystyrene which is radiation grafted to polyethylene, polystyrene which is radiation grafted to polytetrafluoroethylene, and polystyrene which is radiation grafted to polyethylene-tetrafluoroethylene, wherein the insoluble solid support is in a shape selected from a bead, a tube, a rod, a ring, a disk or a well and wherein said solid support is radiation grafted such that a linking segment L, functional segments R1 and R4, and a N-oxyl radical are readable in the present claims, WO'340 does not disclose the additional following step of microwave irradiating a mixture comprising a compound of the formula II and a compound III specified in the present claim.

Claims 1-6 are deemed contain allowable subject matter.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 13 is rejected under 35 U.S.C. 102(b) as being anticipated by WO 00/78740 to Harikrishnan et al.

Independent claim 13 is a compound represented by the general formula I.

Claimed insoluble solid support which is radiation grafted to the specified polymer is readable in a compound of Formula I in WO'740. Linking group L is readable is claim 1 in WO'740. The definitions for X and Y are readable in claim 1 in WO'740. The nitroxide compound represented by R4 is the same as R4 in claim 1 (page 51) in WO'740.

Allowable Subject Matter

4. The following is a statement of reasons for the indication of allowable subject matter: Claims 7-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The present claim 7 discloses a polystyrene insoluble solid support. The closest reference to WO 00/78740 discloses a polystyrene-divinylbenzene insoluble solid support.

6. Present claims 8-12 disclose compounds that are different from the compounds in WO 00/78740. Claims 7-12 also have the dependency problem as indicated in the paragraph 1 above.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. References have been considered. WO 00/78740 is discussed above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLGA ASINOVSKY whose telephone number is (571)272-1066. The examiner can normally be reached on 9:00 to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on 571-272-1302. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1796

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Olga Asinovsky
Examiner
Art Unit 1796

O.A.
July 20, 2008

/Randy Gulakowski/

Supervisory Patent Examiner, Art Unit 1796